

# FOREST RIGHTS ACT, 2006

A Primer



EDUCATE, AGITATE, ORGANISE

RIGHT TO FOOD CAMPAIGN, 2016



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**Community Health**

**Library and Information Centre (CLIC)**

**Community Health Cell**

**85/2, 1st Main, Maruthi Nagar, Madiwala,**

**Bengaluru - 560 068**

**Tel : (080) 25531518 email : clic@sochara.org**

**www.sochara.org**



# Forest Rights Act 2006: A Primer

September 2016

The Forest Rights Act is a landmark legislation aimed at reversing the historic injustice that has been done to Adivasis and other traditional forest dwellers. It recognizes a wide range of individual and collective rights over local forest resources. This Primer presents the main features of the Act and explains how people can claim these rights.

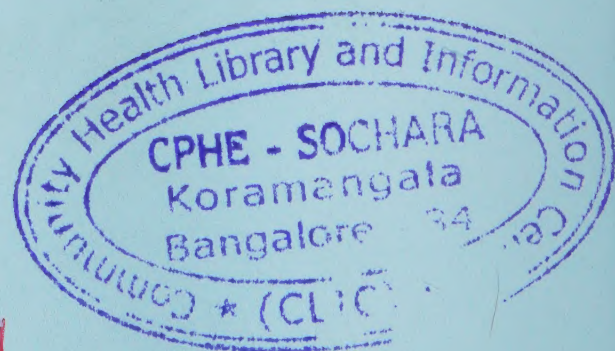




# Forest Rights Act 2006: A Review

September 2016

The Forest Rights Act, 2006 is a landmark legislation that recognizes the rights of forest-dwelling communities in India. It is the first law in the world that recognizes the rights of forest-dwelling communities to own, use, and manage forest lands. The Act is a response to the long-standing demand for forest rights by forest-dwelling communities. It is a landmark legislation that recognizes the rights of forest-dwelling communities in India. It is the first law in the world that recognizes the rights of forest-dwelling communities to own, use, and manage forest lands. The Act is a response to the long-standing demand for forest rights by forest-dwelling communities.



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## Foreword

This booklet is part of a series of Primers prepared for the 6<sup>th</sup> National Convention on the Right to Food and Work (Ranchi, 23-25 September 2016). The purpose of these Primers is to help you to know your rights and how to defend them. The Primers focus on different economic and social rights, including the right to information, the right to food, the right to work, forest rights, children's rights, the right to education, and more. They are written in simple language, for a wide audience.

The Primers are action-oriented: it is hoped that they will be used in collective struggles for social and economic rights. For further information as well as ideas for action, please take a look at the website of the Right to Food Campaign ([www.righttofoodcampaign.in](http://www.righttofoodcampaign.in)). To order copies of these primers, please contact the secretariat of the campaign.

### Credits

Text: Sanjay Bosu Mullick

Editing: Jean Drèze

Illustrations: Sneha Menon and Sitaram

Design: Sneha Menon and Jessica Pudussery

Series editor: Ankita Aggarwal

*All the contributors gave their time without remuneration. All the Primers in this series were prepared without any grant or support from any institution.*





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## 1. INTRODUCTION AND BACKGROUND

The Forest Rights Act (FRA) recognizes the rights of Scheduled Tribes and Other Traditional Forest Dwellers over local forest resources. This primer introduces the main provisions of the Act and explains how you can claim your rights under the Act.\*

The Forest Rights Act is officially known as “Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006”. It was passed by the Lok Sabha on 15 December 2006, ratified by Rajaya Sabha on 18 December 2006 and notified for operation on 31 December 2007. The Rules of the Act were notified on 1 January 2008. They were amended later on to rectify various drawbacks: the FRA Amendment Rules 2012 were notified on 6 September 2012.

The following factors led the framing of the act:

1. Long struggle of forest dwellers, especially *adivasis*, for the restoration of their ancestral collective rights over forests that were taken over under colonial rule.
2. Engagement of civil society organizations and eminent intellectuals with the government, based on the

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\* For more detailed information on the Forest Rights Act 2006, see *Van Adhikar Kanoon 2006: Ek Margdarshika*, published by Jharkhand Jangal Bachao Andolan.



demand of democratization of forest governance and recognition of forest dwellers' rights.

3. Both UPA and NDA political coalitions pledged to support these demands before the 2004 parliamentary elections, presumably to win the support of forest dwellers, especially the adivasis.
4. Pressure of international actors like the World Bank, Asian Development Bank, members of the European Parliament and also a large number of international NGOs concerned about environmental issues and Indigenous Peoples' rights.
5. Forest Department's stubborn resistance to change its autocratic colonial structure of forest management.
6. Failure of the Joint Forest Management (JFM) strategy of the Forest Department. This strategy was adopted in 1990 to ensure active participation of forest dwellers in forest protection and management under the New Forest Policy of 1988. Forest Department killed its spirit and structure by filling the posts of Secretary and Treasurer of the Van Suraksha Samiti with its own officers.
7. Outcry of environmentalists and conservationists over the destruction of forests and wildlife. A section of them, however, opposed the recognition of forest dwellers' rights under the Act, and demanded their eviction from the forest.



Around the time when the Act was passed the forest and wildlife of the country were already under serious threat. Tigers were on the verge of extinction. Cheetahs were already extinct. Lions and rhinos were struggling for survival. According to a 2000 report of the International Union for Conservation of Nature (IUCN), 18 animals were critically endangered, 54 were endangered and 143 were vulnerable. Among plants, 44 were critically endangered, 113 were endangered and 87 were vulnerable.

During the colonial and postcolonial period of forest management by the state, large areas of forest disappeared. According to a conservative estimate, 50% of forest was wiped out over the last century. One third of the seasonal flood plains to lakes were drained out and 70% polluted. About 40% of mangroves disappeared and a major portion of coral reefs were bleached or silted. (Source: Folio, The Hindu, May 20, 2001)

India's total forest cover as per the 2005 assessment was 677,088 sq. km, or 21% of the area of the country. Of this, 54,569 sq. km (1.7 %) was very dense forest, 332,647 sq. km (10 %) moderately dense forest and 289,872 sq. km (9 %) open forest cover. The scrub accounted for 38,475 sq. km (1.2 %). (Source: Forest Survey of India Report 2005).<sup>1</sup>

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<sup>1</sup> Degraded forest lands with a canopy density of less than 10% are called Scrubs. Open Forests refer to forest lands with canopy density of 10-40%. Moderately Dense Forest (MDF) means a



Since the framing of FRA in 2006, the forest cover has registered a remarkable increase of 5,081 sq. km according to the Forest Survey of India 2015. Increase in forest cover is observed mostly in states (such as Madhya Pradesh, Maharashtra, Odisha, Chhattisgarh) with relatively better FRA implementation. This cannot be a coincidence. Forest dwellers all over the country are turning around to claim their rights and in many places have already started managing the forest.



*There is no deadline to claim land titles under the Forest Rights Act*

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canopy density of 40-70%. Very Dense Forests (VDF) means a canopy density of 70% or more ([www.gktoday.in/blog/state-of-forests-report-2015/](http://www.gktoday.in/blog/state-of-forests-report-2015/)).



Presently Indian forest and wildlife are passing through a trying time. The FRA seems to be the silver lining on an otherwise dark horizon. Every effort is being made to dilute and distort the Act by vested interests from inside and outside the state apparatus. The demand for forestland for non-forestry purposes, especially extractive industries and construction of dams, has been increasing steadily. The Act is believed to be a powerful weapon for people to undo the historical injustice committed to them in the past, and still being committed today. The Act has entrusted forest dwellers with the historical responsibility of reversing the trend of dwindling forest resources and animal life.

## **1. SALIENT FEATURES OF THE FOREST RIGHTS ACT**

For the first time, the Indian parliament has framed a law which admits, in its very Preamble, that a “historical injustice” has been done to the tribal people and other forest dwelling communities by the state before and after independence. This is a great achievement of recent forest rights struggles. The Forest Rights Act 2006 is framed to undo this injustice committed to both people and nature.

The Preamble of the Act recognizes the following:

- a. The right of Scheduled Tribes (STs) and Other Traditional Forest Dwellers (TFDs) to continue to reside in and



cultivate the forestland as they have done for generations (Para 1).

- b. Their right to ancestral lands and habitat that was not adequately recognized by the state in the past, causing a historical injustice to them (Para 3).
- c. Their right to livelihood and food security (Para 2).
- d. Their right to use the forest biodiversity sustainably (Para 2).
- e. The said people are integral to the very survival and sustainability of the forest ecosystem (Para 3).
- f. Their rights include authority and responsibility for conservation of forest biodiversity and maintenance of ecological balance (Para 2).

## **2. RIGHTS RECOGNIZED BY THE ACT**

Section 3. 1 of the Act recognizes 13 rights that may be categorized as follows.

### **a. Collective Forest Resource (CFR) Right**

The most important right recognized in the Act is the right of the Gram Sabha to form a committee (with members exclusively from among the villagers) to protect, regenerate and manage the traditionally recognized village forest. (Section 3.1.i)





*The Forest Rights Act is not just about individual rights but also community rights*

b. Other Collective Rights

- Community rights of the villagers known as *nistar* rights. These were the rights recognized by the princely states or *zamindars* actually as privileges during the British rule. (Section 3.1.b)
- Right to collect, own, use and sell minor forest produces from the village forest sustainably for livelihood. The collection can be made by appropriate means depending on the nature of the produce. (Section 3.1.c)
- Rights to fish and catch other products of water bodies, graze cattle in the forest and rights of the nomadic and pastoral communities to use the forestland seasonally according to their traditions. (Section 3.1.d)



- Rights of community tenures of habitat and habitation for the foraging tribes (so-called Primitive Tribal Groups, now called Particularly Vulnerable Tribal Groups) and pre-agricultural communities. (Section 3.1.e)
- Rights of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity. (Section 3.1.k)
- Any other traditional customary rights not mentioned in the Act, excluding hunting or trapping or extracting any parts of wild animals. (Section 3.1.l)
- Rights that are recognized under any State law, or laws of any Autonomous District Council, or Autonomous Regional Council, or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes (Section 3.1.j).



*The Act includes extensive rights to collect, use and sell minor forest produce*



c. Individual Forest Right (IFR)

- Right to live in the forestland under individual or common occupation for habitation and self-cultivation. The upper limit for such land claims is ten acres. (Section 3.1.a)

d. Settlement of Villages in Forest

- Right to settlement and conversion of all Forest Villages, old settlements, unsurveyed villages and other villages in forests whether recorded/notified or not into Revenue Villages. (Section 3.1.h)

e. Other Land Rights

- Rights in or over disputed lands under any nomenclature in any State where claims are disputed. (Section 3.1.f)
- Rights of conversion of *pattas*, or leases, or grants issued by any local authority or any State Government on forest lands, to titles. (Section 3.1.g)
- Rights to in-situ rehabilitation (including alternative land) in cases where STs or OTFDs have been illegally evicted or displaced from forestland of any description without receiving their legal entitlement to rehabilitation prior to 13 December 2015. (Section 3.1.m)



### 3. RIGHTS TO WELFARE

The Act recognizes basic welfare needs of forest dwellers in forest villages and villages neighbouring forests. Therefore, it says (Section 3.2): “Notwithstanding anything contained in the Forest (Conservation) Act 1980, the Central Government shall provide for diversion of forest for the following facilities managed by the Government which involve felling of trees not exceeding seventy-five trees per hectare, namely:”

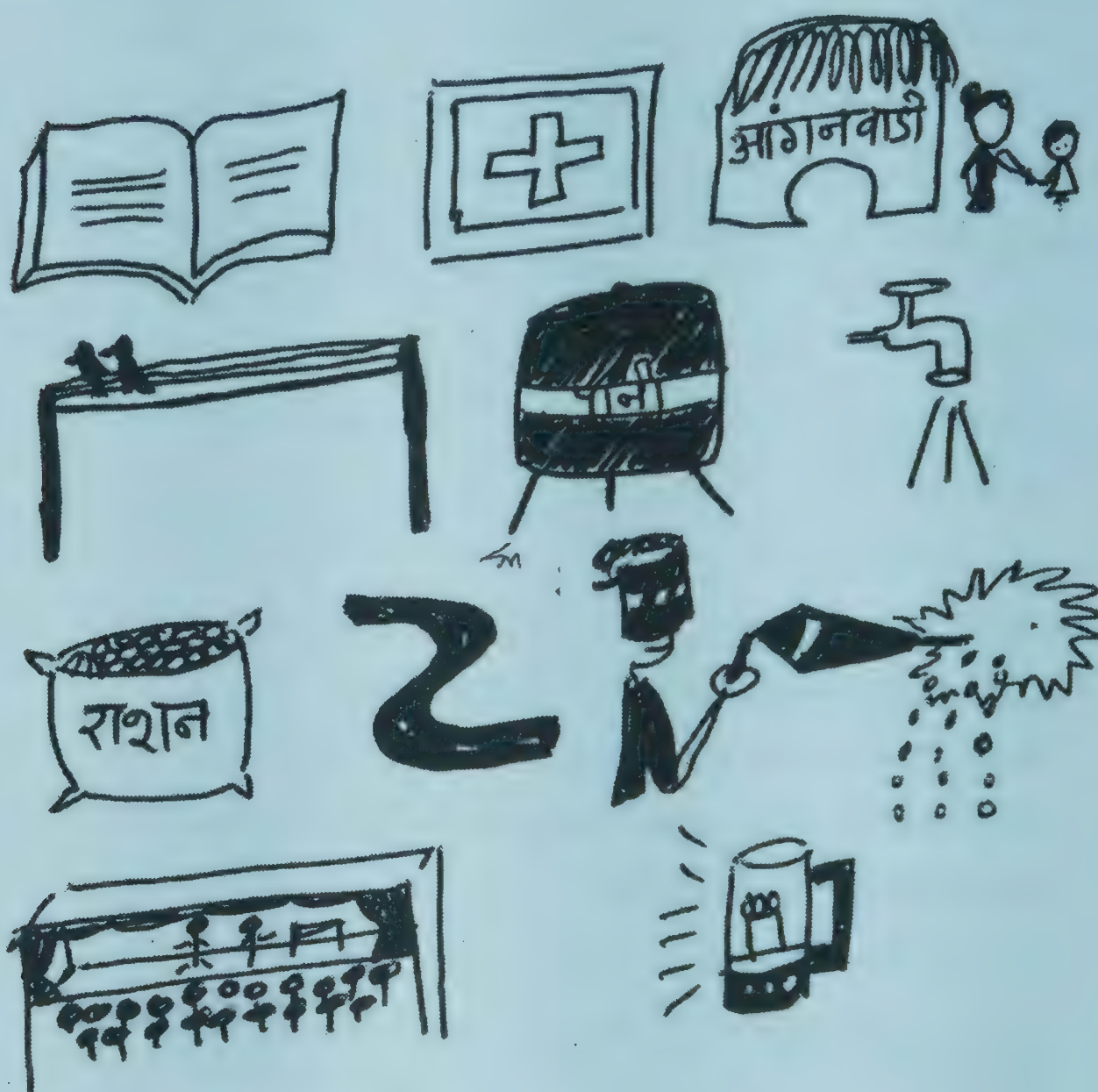
- a. school
- b. dispensary or hospital
- c. anganwadi
- d. fair price shop
- e. electric and telecommunication lines
- f. tank and other minor water bodies
- g. drinking water supply and water pipelines
- h. water and rain water harvesting structures
- i. minor irrigation canals
- j. non-conventional source of energy
- k. skill upgradation or vocational training centres
- l. roads
- m. community centres.

The maximum forestland area for each of these “developmental projects” is one hectare.

(Note: Often the rights under this section are called community rights and clubbed with the Community Forest



Resource (CFR) rights provided under section 3.1.i. One must remember that they are completely different rights, not to be lumped together as is often done in government reports on the implementation of the Act.)



*The Forest Rights Act allows diversion of forest land for schools, health centres, anganwadis, community centres and other essential public facilities.*

#### 4. WOMEN'S RIGHTS

The Act recognizes women's land rights and rights to decision-making. It ensures:



- a. Joint “Land Title” for land under cultivation in names of both husband and wife;
- b. “Land Title” for widows and other single women;
- c. Participation of women in Gram Sabha;
- d. At least one third of the 15-member Forest Rights Committee should be women;
- e. At least one member in each State Level Monitoring Committee, District Level Committee and Sub-Divisional Level Committee constituted for rights recognition should be a woman.

The Act also implies women’s right to minor forest produces and management rights of the forest when it talks about community rights over the same.



*The Act allows for joint land titles (husband and wife) as well*



## **5. RESPONSIBILITIES AND DUTIES**

Section 5 of the Act empowers the Gram Sabha and village-level institutions (namely, Community Forest Governance Committee) to perform the following tasks:

- a. Protect the local wildlife, forest and biodiversity;
- b. Ensure that adjoining catchment areas, water sources and other ecologically sensitive areas are adequately protected;
- c. Ensure that the habitat of the STs and OTFDs is preserved from any form of destructive practices affecting their cultural and natural heritage;
- d. Ensure compliance with decisions taken in the Gram Sabha to regulate access to community forest resources or stop any activity that adversely affects the local wildlife, forest and biodiversity.

*(Note: The Act does not recognize the Van Suraksha Samiti or Joint Forest Management Committee.)*

## **6. THE RULES OF THE ACT**

The implementation of the Act began after the Rules were framed on 1 January 2008. Very soon however, it was found that the Rules had a number of drawbacks. The forest rights struggle groups had to engage with the Central Government for four long years to get them corrected – this finally happened in 2012, when the Rules were amended.



Salient features of the amended Rules are as follows:

- a. The Gram Sabha is the sole authority to initiate the process of claim generation. A revenue village or its any hamlet (*tola*), and any hamlet in the forest, can form a Gram Sabha.
- b. Gram Sabha constitutes the Forest Rights Committee to perform the process of claim generation and submission. It should have 10 to 15 members, with at least one-third women members.



*The state, district and sub-divisional committees must include at least one woman*



- c. The Forest Department has no role to play in claim generation or submission, except for its presence as observer during the physical verification of IFR and CFR claims. Similarly, the Panchayat Sevak and other government officials at the Block or Panchayat or forest beat or range level have no role to play in the process of claim settlement – nor should they interfere with it. (Rule 12 A.10)
- d. Claims are sent by the Forest Rights Committee to the Sub-Division level committee (SDLC) for scrutiny.
- e. The District Level Committee finally settles the claim and prepares the *patta* or title.
- f. The State Level Monitoring Committee monitors the process of claim settlement.
- g. If the claim is found to have faults, it should be sent back to the Gram Sabha for necessary correction and cannot be left pending or rejected without the knowledge of the Gram Sabha, right holders and community.
- h. Post claim support and hand holding: The State Government shall ensure through its departments (especially tribal and social welfare, environment and forest, revenue, rural development, Panchayati Raj and other departments relevant to upliftment of STs and OTFDs) that all government schemes including those relating to land improvement, land productivity, basic amenities and other livelihood measures are provided to such claimants and communities whose rights have been recognized and vested under the Act.



## **Success Story:**

### **Community resource rights of Bucha Upa village**

Bucha Upa is a tribal (Oraon) village located in Chanho Block of Ranchi District, about 65 km away from the capital city of Ranchi. On one side of the village is the village forest, lying in a degraded state. Until 2000, the people of the village had little concern for the forest. It became an open-access forest, exposed to over-exploitation.

The village came in touch with activists of Jharkhand Jangal Bachao Andolan (JJBA) in 2005, when they were campaigning for the enactment of the Forest Rights Bill. Villagers responded to the call of owning up the forest and protect it. The following month, a few people came to know that timber thieves had entered the forest at night and begun to fell trees. This was nothing new, for timber theft had been going on for years and the Forest Department had taken no action despite being informed by the villagers.

But this time the villagers, both men and women, armed with traditional weapons, chased the thieves under the leadership of Mrs. Budhni Bhagat, an elderly lady of the village. They confiscated the saws and other equipment, and the fallen trees as well.

In the following year, the villagers joined the celebration of the passing of the Forest Rights Act 2006 in Ranchi. Workshops were held to discuss the Act. The villagers were organized, the Gram Sabha was activated and a Forest Rights Committee was formed under the leadership of Mrs. Pramila Oraon and Mr. Balak Ram Bhagat. JJBA organized a series of training workshops to facilitate the implementation of the Act. However, the State government was not ready to begin the process and years passed.

In 2011, the villagers submitted some claims to the Circle officer. But there was no response from the District Level Committee. The claim forms could not be traced. Nobody took responsibility for this loss. All the documents submitted by the villagers were lost forever, including the maps that they had got prepared by the paid *amins*. People lost heart and lost interest.



The JJBA, however, was determined to keep the struggle going. It mobilized the villagers once again and they joined the Assertion of Forest Rights Campaign that was going on in many districts. Locally people called it “Board Garo Andolan”. Under the campaign the villagers installed billboards at the entry points of the forest, declaring the authority of the Gram Sabha over the forest under the FRA 2006 and trespassing as a punishable offence. The villagers, thus motivated, filed the same individual and community resource rights claims once again in 2014. Finally, on 9 August 2015 (International Day of the Indigenous Peoples), the government handed to the Gram Sabha the CFR Title (*patta*) of 186 acres that included a water reservoir of 11 acres.

The Forest Department used to float tender for fish farming in the reservoir without informing or consulting the Gram Sabha. Encouraged by the success with CFR titles, the Gram Sabha decided to take it over and start fish farming on its own. They are managing the reservoir well and earning lakhs of rupees every year. A women’s cooperative, formed by the initiative of the JJBA, has installed a leaf plate and cup-making machine in the village. The farmers of the village have now come together to practice organic farming, a district-wide initiative of the JJBA. Their Farmers’ Federation has joined other federations from nearby villages to jointly market their products.

The Gram Sabha’s Community Forest Governance Committee has now taken over the responsibility of protecting the forest. The timber requirements of Bucha Upa and neighbouring villages have been wisely regulated. Now one can see signs of regeneration of the forest.



## **Success Story:**

### **Individual forest rights of Raisinghdiri village**

Raisinghdiri is a Munda village located on a flat hilltop in Kuchai Block of Kharsawan-Saraikela district. The village was one of the many unsurveyed villages of the district. As a result of that the villagers were subjected to constant harassment of the Forest Department officials. In 2004 they joined the Jharkhand Jangal Bachao Andolan (JJBA). Under the able leadership of Sohanlal Kumhar of JJBA they became part of the forest rights movement of the district along with hundreds of other villages. They became ardent participants of demonstrations held at the district headquarters, in Ranchi and even in Delhi till the Forest Rights Act was passed in 2006.

However, they had to wait a long time till the district authorities accepted their claims in 2009. The hand-holding workshops organized by JJBA activists helped them prepare claim forms and submit them to the Sub-Division Level Committee. But the Forest Department reduced their claimed area of land under cultivation arbitrarily, and as a result when few of the claims were recognized and titles distributed in 2011, they found, to their great disappointment, that none of them had received a title for more than one acre. In 2015, the rest of the villagers received titles that were no better than the previous ones. For instance, one of the villagers Mr. Turam Munda received a title of 1 acre and 30 decimals. He had to support a family of four members.

Nevertheless, the villagers consider it as a great victory of their long-drawn struggle. They are now taking up organic cultivation of turmeric that they were doing earlier but without understanding the value of their product. They produce powdered turmeric using the traditional *dhenki* (pounding pole). The marketing initiative of the JJBA has helped them increase the price and expand the market. Besides they are now also cultivating sweet corn, mustard, *madua*, pulses and vegetables in their farmland with confidence and a sense of security. The right to Minor Forest Produces has also helped them add to their family income. FRA has created new opportunities to improve their livelihood.

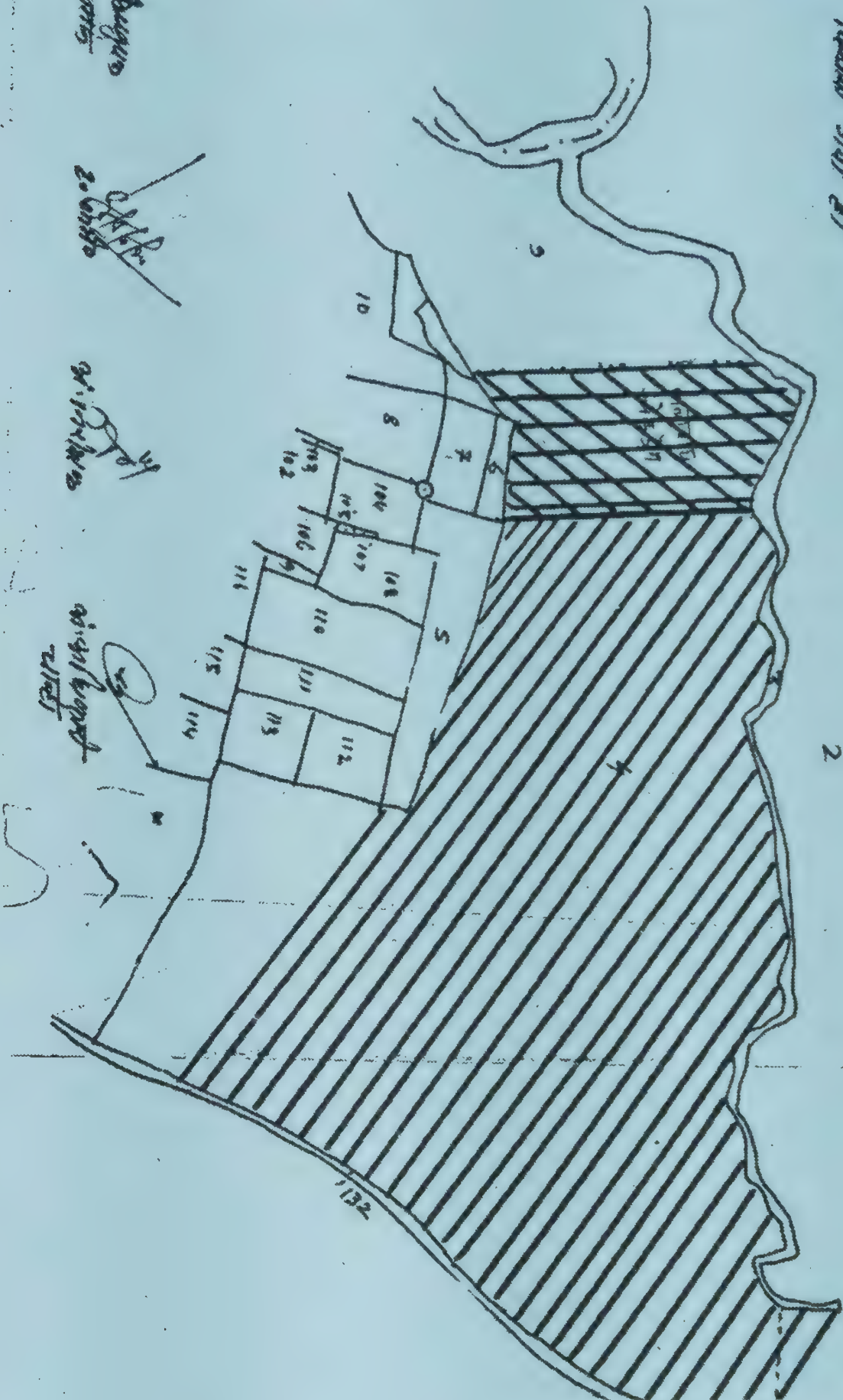


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## TITLE TO COMMUNITY FOREST RIGHTS

1. Name(s) of the holder(s) of community forest right: All the residents of the Gram Sabha/Gram Sabhas
2. Village/ Gram Sabha: **BUCHAOPA**
3. Gram Panchayat: **SOUANS**
4. Tehsil/ Taluka: **CHANHO**
5. District: **Ranchi**
6. Scheduled Tribe/ Other Traditional Forest Dweller: **ST/OTFD/Both**
7. Nature of Community Rights:
  - a) Collection and use of small timbers, fuel wood for household purposes as per the section 3 (1) (b) of the Act.
  - b) Right of ownership, access to collect, use and dispose of Minor Forest Produces under section 3(1)(c) of the Act and as defined under 2(i) of the Act and Rule 2 (d) of the Rules;
  - c) Right over products of water bodies (Pond, Nala, Stream, River and Reservoir) such as fish, crab etc. and use of water for livelihood purposes and also for domestic animals under Section 3(1) (d) of the Act.
  - d) Right to graze domestic animals under Section 3(1) (d) of the Act.
  - e) Right to protect, regenerate, conserve and manage the community forest resource for sustainable use.
  - f) Right of access to biodiversity, intellectual property and traditional knowledge related to biodiversity and cultural diversity as per Section 3 (1) (h) of the Act
  - g) Any other traditional right such as Right to use forest roads/paths (Traditionally used by the local communities), collection of soils for household purposes, places of worship/sacred areas, observing rituals/festivals & etc. under section 3 (1) (l) of the Act.
8. Conditions if any:
  - a) These rights are heritable but not transferable.
  - b) Seasonal Access and use rights of Nomadic and Pastoralist communities within the Community Forest Resource area shall be respected by the Gram Sabha under Section 3 (1) (d) and (l) of the Act. The Gram Sabha & such user communities shall jointly decide rules for regulating access for sustainable use of the area under section 5 of the Act
  - c) Traditional rights do not include traditional right of hunting or trapping or extracting a part of body of any species of the wild animal. All community members shall comply with Gram Sabha decisions for regulating access to community forest resources and preventing activities adversely affecting wild animals, forest and biodiversity under Section of 5 the Act.

9. Description of boundaries including customary boundary and/or by prominent landmarks including khars/compartments No:

Thana No.	Khata No.	Plot No(s).	Total Area(acr)
19	30	04	62.00

Revenue forest/RF/ PRF/DPF/UDPF/PF/Sanctuary/National Park/(as per the map)

Name(s) of the holder (s) of community forest right: All the residents of the Gram Sabha

We, the undersigned, hereby, for and on behalf of The Government of Jharkhand affix our signatures to confirm the forest rights as mentioned in the Title to the above mentioned holders of community forest rights.

*[Signature]*  
Divisional Forest Officer/ Deputy  
Conservator of Forests

*[Signature]*  
District Welfare Officer  
Ranchi

*[Signature]*  
District Collector/Deputy Commissioner



## APPENDIX

### Process of Filing Claims under the FRA 2006\*

The Welfare Department is the nodal agency for the implementation of the Forest Rights Act (FRA) in the state. It will involve the Departments of Revenue and Forest in the process of implementation at different levels. The state government will constitute the following committees for this purpose:

1. State Level Committee with the task of monitoring the process of implementation by holding meeting once every three months. The Chief Secretary will be its president.
2. District Level Committee (DLC) with the task of settlement of claims, releasing Titles (*patta*), or rejecting claims with written reasons and sending them to the Gram Sabha for correction and further submission. The District Commissioner/ Collector will be the president of the committee.
3. Sub-Division Level Committee (SDLC) with the task of making necessary documents available to the claimants including maps for the submission of claims, receiving the claim forms of all kinds, and scrutinizing and sending them to the DLC. The Sub Divisional Officer will preside over the committee.

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\* Adapted from Amended Rules of 2012.



The Gram Sabha (GS) is to play the most crucial role in the implementation process. The adult members of the village or hamlet of a village will constitute it. The villagers will choose the office bearers of the Gram Sabha. The GS will constitute the Forest Rights Committee (FRC) with 10 to 15 members from among its members. One third of the members must be women. In the case of a Scheduled Tribe dominated village, two thirds of the members must be from that community. Gram Sabha will record the minutes of the meetings where the above decisions are taken, and send the minutes register to the SDLC for information.

#### **A. Process of Individual Claim Submission**

Claimants who have been in possession of land within the forestland under use for homestead or cultivation (or winnowing ground, etc.) before 13 December 2005 are eligible for making claims through Form A, as follows.

1. Gram Sabha informs its members about the Act and invites the prospective claimants to make claims.
2. Forest Rights Committee (FRC) prepares the list of claimants.
3. FRC collects blank claim forms from the Block or Sub-Divisional office (or from the office of the District Welfare Officer) and makes them available to the claimants. Claim forms of all types are available free of cost.



4. Claim Form A is meant for making individual forest rights (IFR) claim. The claimant is to fill in the form with the details of the land being claimed.
5. The claimant is then to get a trace map prepared by an *amin*, or by GPS, of the land under cultivation being claimed. The *amin* will be arranged by the Sub-Divisional Office free of cost. The claimant is also supposed to gather all other necessary documents mentioned in claim form A and submit them to the FRC.
6. FRC records the documents.
7. On receipt of the intimation from the FRC, the officials of the Forest and Revenue Departments are to be present during the verification of the claims and the verification of evidences on the site and are to sign the proceedings with their designation, date, and comments if any.
8. FRC has to prepare the spot verification report.

#### *Necessary documents for filing the claim*

1. Properly filled claim form A.
2. Trace map of the claimed land with the name and signature of the *amin*.
3. Photo ID of the claimants, such as voter identity card, Aadhaar card, etc.



4. Authenticated copy of Scheduled Tribe certificate or Other Traditional Forest Dweller certificate, as the case may be.
5. Report of the physical verification of the claimed land.
6. Receipt copy of the invitation for physical verification of the claim to the officers of Revenue, Welfare and Forest Departments by the GS or FRC.
7. Affidavit of the claimant about the claimed land.
8. Affidavit of three elderly persons with their photo IDs and signatures.
9. At least two evidences among the ones mentioned in Section 13 of the act.
10. The acceptance and recommendation of the Gram Sabha.

### *Role of the Gram Sabha*

1. The FRC shall inform the members of the GS about the completion of the claim process and shall make a request for calling a meeting for their scrutiny.
2. GS members shall fix up a date for the meeting.
3. The quorum of the meeting is the presence of at least 50% of the GS members, one third of women members and 50% of the total claimants.
4. The members shall examine all the claims and the associated documents.



5. GS sends all the correctly filled claims to the Sub-Division Level committee and gets a receipt for the same.

## **B. Process of Recognition of Community Rights**

Form B is for claiming the right to Minor Forest Produces (MFPs). Form C is for claiming the right to protect, regenerate and manage the Community Forest Resources of the village, as traditionally demarcated, and under use by the villagers. For making the claims, the following tasks are to be performed.

1. Preparation of a list of all adult members of the village, with their signature or thumb impression.
2. Finalization of forest boundaries of the village in consultation with the Gram Sabhas of the neighbouring villages.
3. Making the map of the finally demarcated forest (*nazri naksha* or trace map is also acceptable).
4. Identification and marking of places for community usage on the map.
5. Inviting officers of the Welfare, Revenue and Forest Departments for physical verification of the claimed forest by the Gram Sabha/ Forest Rights Committee (receipt copies of the invitations should be kept with the FRC).



6. Preparation of the report of physical verification by the FRC and its submission to the Gram Sabha for its consideration.
7. If there are conflicting claims about the traditional or customary boundaries of another village, or if a forest area is used by more than one Gram Sabha, the FRCs of the respective GSs shall meet jointly to consider the nature of enjoyment of such claims and submit the findings to the respective GSs in writing.

In the case of Particularly Vulnerable Tribal Groups (previously known as Primitive Tribal Groups) the District Level Committee shall ensure that these communities receive habitat rights, in consultation with traditional institutions.

Similarly, the DLC shall facilitate the filing of claims by the pastoralist, transhumant and nomadic communities.

### **C. Guidelines on the implementation of the FRA issued by the Government of India**

The State Government should ensure that rights relating to MFPs under Section 3 (1) (c) of the Act are recognized in respect of all MFPs, as defined under Section 2(i) in all forest areas, and state policies are in alignment with the provisions of the Act.

Monopoly of Forest Corporations in the trade of MFPs in many States, especially in case of high-value MFPs such as



*tendu* leaf, is against the spirit of the Act and should be henceforth done away with.

The forest right holders or their cooperatives/federations should be allowed to sell such MFPs to anyone or to undertake individual or collective processing, value addition, marketing for livelihood within and outside forest areas by using locally appropriate means of transport.

The State Government should exempt movement of all MFPs from the purview of the transit rules, and for this purpose, the transit rules should be amended suitably. Even a transit permit from the Gram Sabha is not required. Imposition of any fee/charges/royalties on the processing, value addition, marketing of MFPs collected individually or collectively by the cooperatives/federations of the right holders would be *ultra vires* of the Act.



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**Secretariat of the Right to Food Campaign:**

**B 5 (basement), Nizamuddin West, New Delhi 110013**

**Telephone: 011 41613468, 8527359760**

**E-mail: [righttofoodindia@gmail.com](mailto:righttofoodindia@gmail.com)**

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